

MEMORANDUM OF AGREEMENT
between
UNITED STATES FORCES-AFGHANISTAN
and
U.S. MISSION AFGHANISTAN
for the

Provision of Life Support at United States Forces-Afghanistan - Operated Facilities

The purpose of this Memorandum of Agreement (MOA) is to specify Life Support requirements, authorities and responsibilities between the United States Forces-Afghanistan (USFOR-A) and the U.S. Mission-Afghanistan (Mission) (hereinafter referred to as the "Parties") for the support of personnel under the authority of the Chief of Mission (COM) in Afghanistan (hereinafter referred to as "Mission personnel"). Mission personnel will be located on USFOR-A operated facilities and will be employed as part of the Provincial Reconstruction Teams (PRTs), District Support Teams (DSTs), or manning the Stabilization Coordination Centers (SCC) to support the U.S. reconstruction, counterinsurgency (COIN) and development strategy for Afghanistan.

I. BACKGROUND

The reconstruction and development of Afghanistan is a U.S. Government (USG) priority which includes support to the U.S. COIN and stabilization strategy, the promotion of reconciliation, support for economic development, and building the capacity of Afghan provincial governments to hasten their transition to self-sufficiency. The U.S. strategy and efforts in Afghanistan are rapidly expanding and developing, and includes an increase in the number of USG civilian experts, working under the authority of the COM, supporting reconstruction and development of the country. Mission personnel will make up the civilian portion of the DSTs and PRTs in support of implementing the U.S. COIN and stabilization strategy. In order to effectively and efficiently meet U.S. objectives in Afghanistan, including those pertaining to COIN and stabilization, there is also a need to locate such Mission personnel at the Regional Commands (RCs), Forward Operating Bases (FOBs), Combat Operating Post/Bases (COP/Bs), and SCCs. SCCs will be located at Kandahar Airfield (KAF) and Bagram Airfield (BAF), and at other sites within Afghanistan to be determined (TBD) at a later date. The USFOR-A-operated facilities, including the SCCs, will contain office space, conference rooms and living quarters for use by USFOR-A and Mission personnel. The U.S. Base Operations Commanders of KAF, BAF and locations yet TBD, will take the lead on the planning, design, development, construction (if required), and maintenance of the SCCs in their Joint Operation Area (JOA), the details of which will be addressed in separate agreements as Annexes to this MOA.

II. REFERENCES

- a) Title 31 United States Code (U.S.C.) §1535 and §1536 (the Economy Act, as amended). Federal agencies are authorized to order goods and services from other Federal agencies, subject to certain determinations.

- b) Title 10 U.S.C. §164. The Combatant Commander is directly responsible to the Secretary of Defense for the preparedness of the command and to carry out assigned missions.
- c) Title 22 U.S.C. §4802(a), 4805(a) Diplomatic Security Act of 1986, as amended. The Secretary of State is responsible for developing and implementing policies and programs to provide for the security of all USG personnel on official duty in country other than those under the command of an area military commander.
- d) The President's Letter of Instruction to the Chief of Mission, Afghanistan.
- e) Title 22 U.S.C. §3927, Chief of Mission Authority.
- f) Department of Defense (DoD) Instruction 2000.12, DoD Anti-Terrorism Program.
- g) DoD Instruction 4000.19, Interservice and Intragovernmental Support.

III. DEFINITIONS

- a) Combat Operating Post/Base (COP/B) – Usually occupied by a platoon/battery/company/troop-sized element capable of quick reaction in support of operations, security, civic assistance, or humanitarian assistance relief. A COP/B will be dependent upon a FOB or logistical support and is characterized by limited infrastructure. A COP/B may consolidate to a FOB as a contingency matures or may be turned over to Host Nation forces for continued improvement.
- b) District Support Team (DST) – A combined civilian and military action group which is responsible for integrating the activities of all elements of the group in an assigned district. The DST activities will be conducted across all Lines of Operation (LOO), security, governance, development and strategic communications within the Commander International Security Assistance Force (ISAF) Shape, Clear, Hold, Build. DSTs are embedded into a maneuver battalion or company.
- c) Forward Operating Base (FOB) – A FOB supports tactical operations normally with established support facilities. It is established to extend command and control or communications or to provide support for training and tactical operations. Facilities may be established for temporary or an extended period and may include an airfield or an unimproved airstrip.
- d) Provincial Reconstruction Team (PRT) – A combined civilian and military team that operates under joint policy guidance from the Commander and COM harnessing both civilian and military resources to perform development, reconstruction and governance activities to implement the U.S. COIN and stabilization strategy and serve a monitoring and reporting function. Unlike DSTs, PRTs are stand alone organizations.
- e) Life Support – Includes lodging, food, water, bath and sanitation, and any morale, recreation and welfare and operational facilities support and services (e.g., food service

operations, post operations, and Army & Air Force Exchange Service (AAFES). The operational facilities support and services includes support and services (*e.g.*, office space and related equipment and services), logistic and infrastructure support (*e.g.*, facilities upkeep and management), and basic utilities/services (*e.g.*, power, water, sewer, fire protection, drainage, waste management, hazardous material management, and environmental services).

f) Regional Command (RC) – The RCs coordinate all regional civil-military activities conducted by the military elements of the PRTs, DSTs and military Task Forces (TFs) in their Area of Responsibility (AOR).

g) Stabilization Coordination Center (SCC) – The tactical and strategic hub at RCs where a joint force of Mission personnel and military partners implement the COIN and stabilization activities.

h) Task Force (TF) – Brigade combat teams with specific AORs which may perform development and reconstruction activities to implement the U.S. COIN and stabilization strategy.

IV. GENERAL PROVISIONS

a) This MOA sets forth the understandings of the Parties regarding their respective roles and responsibilities to implement the U.S. COIN and stabilization strategy in Afghanistan. In order to effectively execute the U.S. strategy, an increase in the number of Mission personnel experts, working under the authority of the COM is required. The Mission personnel will be located on USFOR-A operated facilities within Afghanistan as agreed upon by the USFOR-A Commander and the COM. Annexes to this umbrella MOA will address specific locations and the levels of Life Support and services *e.g.*, medical care, billeting, Morale, Welfare and Recreation (MWR), etc., available at each site. Life Support and services will be provided by USFOR-A to mission personnel on a reimbursable basis in accordance with the Economy Act.

b) Signature authority for the Annexes will be no lower than the first U.S. General or Flag Officer within the RCs and the commensurate level for the COM or specific agencies. This MOA is not intended to identify each and every support requirement or to prejudice the ability of USFOR-A or the Mission to make requests for support not specifically stated herein. Rather, this MOA is intended to address the majority of support issues and to provide baseline direction for support responsibilities. Except in emergency circumstances, additional support beyond that provided herein or in the Annexes to this MOA will take the form of a written request from either party. Such requests may be for reimbursable or non-reimbursable support.

c) This MOA applies to personnel under the authority of the COM in Afghanistan, except as otherwise provided herein.

d) Nothing in this MOA constitutes an obligation of funds by either Party, but clarifies and formalizes the roles and responsibilities of both USFOR-A and the Mission in supporting the Mission personnel necessary to implement the U.S. COIN and stabilization strategy in Afghanistan and located at USFOR-A-operated facilities. Any transfer of funds, by either Party or individual agency with employees located at USFOR-A-operated facilities, will be through a separate obligating instrument and subject to the availability of funds.

V. COVENANTS OF THE PARTIES

a) The Parties agree that the purpose of co-locating Mission personnel and military partners at USFOR-A-operated facilities is to better coordinate USG efforts in order to efficiently and effectively implement the U.S. COIN and stabilization mission in Afghanistan.

b) As set forth in Article VI below, USFOR-A has responsibility for the security of Mission personnel located at USFOR-A-operated facilities. Mission personnel will remain subject to COM authority for all guidance and direction including political, economic, development and diplomacy, with respect to their activities in country. The COM will provide Mission personnel with guidance and direction regarding those activities, as the COM deems appropriate. Mission personnel located and residing at USFOR-A-operated facilities have an employee/employer relationship with their respective USG agency, including for purposes of the War Hazards Compensation Act (Pub.L 784, 1942, as amended). Mission personnel present at USFOR-A-operated facilities will not be in uniform, will not carry a weapon (unless authorized by Diplomatic Security), will not participate in the supervision or interrogation of prisoners, will not be required to engage in combat activities. This MOA does not subject Mission personnel to the Uniform Code of Military Justice.

c) Individual Support Agreements will be established between individual USG agencies and USFOR-A to address support requirements for agency personnel residing and working at USFOR-A-operated facilities. Such agreements will also set forth each agency's responsibility for furnishing its personnel with any support and/or equipment deemed necessary by the agency but not furnished by USFOR-A, such as vehicles and drivers for use on USFOR-A-operated facilities, personal protective equipment (*e.g.*, body armor), office equipment, information technology (IT) (*e.g.*, computers, printers, radios, dishes, mobile phones, commercial internet, televisions and telephone networks), and related services for use by agency personnel at the relevant facility or facilities. Individual Support Agreements will provide that reimbursement of costs incurred by USFOR-A for employees of the individual USG agencies will be made by the individual agencies in accordance with the Economy Act and subject to the availability of funds, and will be accomplished with a Reimbursement Agreement and/or Military Interdepartmental Purchase Request (MIPR) between each agency and USFOR-A.

d) USFOR-A will provide foreign government personnel, supporting Mission personnel, with the same level of support it provides to Mission personnel on a USFOR-A-operated facility. This support will be subject to the terms of funding arrangements as agreed upon and any governing agreement with their respective countries as identified in individual annexes to this MOA.

VI. BASE FORCE PROTECTION RESPONSIBILITY

- a) USFOR-A will provide Mission personnel force protection within the perimeter of the USFOR-A operated post, camp or station. The force protection provided by the base commander will be at the same level as that provided to all other personnel residing on the USFOR-A operated post, base, camp, or station.
- b) While present at a USFOR-A-operated facility, Mission personnel will comply with all guidance and direction provided by USFOR-A and the base commander relating to all matters of security, force protection and freedom of movement on and off the post, camp, or station, including CENTCOM General Order 1.

VII. RESPONSIBILITIES OF USFOR-A

A. Fragmentary Order. USFOR-A will issue a Fragmentary Order (FRAGO) to direct the U.S. Base Ops Commanders to provide Mission personnel reimbursable Life Support and services equal to the support and services received by USFOR-A personnel at the same facility.

1. Fund and construct SCCs at locations TBD that will be design-build using a Pre-Engineered Building System, if applicable. Alternatively, find adequate office space and living quarters as defined in the individual annexes to this MOA.
2. Provide messing and MWR facilities.
3. Provide resuscitative medical care. Resuscitative care is the aggressive management of life and limb-threatening injuries. Interventions include emergency medical treatment, advanced trauma management, and lifesaving surgery to enable the patient to tolerate evacuation to the next level of care. Resuscitative care also includes medical care when life, limb, or eyesight is jeopardized and dental care. Examples of an emergency include: refills of prescription/life-dependent drugs, broken bones, lacerations, broken teeth or bridgework, or lost crowns or fillings. If required, MEDEVAC will be provided. USFOR-A will also provide mortuary services for civilian personnel. Individual annexes will define primary medical or dental care authorized to Mission personnel on a cost reimbursement basis based on the existing capabilities of Medical Treatment Facilities (MTF). Primary care includes inpatient and outpatient services; non-emergency evacuation; non-emergency pharmaceutical support; non-emergency dental services and other medical support as determined by appropriate military authorities based on recommendations from the joint force command surgeon and existing capabilities of the forward-deployed MTFs.
4. Provide dedicated office space in the SCC or other USFOR-A-operated facilities for Mission personnel, secured with a cipher lock, and equipped with access to telephones with telephone outlets in the office spaces, as reasonably required, and NIPR and SIPR computer network connectivity for the Mission-supplied hardware. In addition, configuration of Mission-supplied hardware for NIPR and SIPR as well as help desk support will be available on a reimbursable basis.

5. Provide Mission personnel with single-living quarters (a minimum of 80 square feet of living space per person), within the SCC or other USFOR-A-operated facilities, where possible. Parking spaces will be dedicated for Mission personnel on a space available basis. Intermediate living quarters may depart from the single living quarters and minimum of 80 square feet of living space standard. Intermediate and final living quarters will be as defined in the individual annexes to the MOA.

6. Provide wiring in the living quarters for internet, television and telephone lines (such as VoIP and commercial lines) during construction of facilities such as the SCCs.

7. Coordinate with applicable Command Headquarters for the installation of Mission Secret computer network connectivity, where required, although Mission Secret access is ultimately decided by the NATO staff at the applicable Command.

8. Maintain all internal and external fixtures, plumbing, water, and electrical requirements of the SCC, or other offices and residential accommodations specified in the appropriate Annex, to include ongoing maintenance and general repairs required to maintain serviceability of the facility due to normal use.

9. For USFOR-A personnel located at the SCC, FOB, or COP/Bs or other USFOR-A operated facilities, USFOR-A will provide all IT, (*e.g.*, computers, printers, radios, dishes, internet, televisions and telephone networks) as necessary for USFOR-A staff to be fully functional. USFOR-A will be responsible for the maintenance and functionality of their IT/communication and office equipment. All maintenance support provided by the Mission for USFOR-A equipment will be reimbursed by the USFOR-A.

10. If requested by Mission personnel, provide transportation for ground and air per local requesting procedures.

B. Reimbursement. On a quarterly basis, USFOR-A will invoice individual USG agencies with personnel located at the USFOR-A-operated facilities, as set forth in the Individual Support Agreements. Such invoices will contain the costs of the life support services provided to each agency employee pursuant to the Individual Support Agreements.

VIII. RESPONSIBILITIES OF THE MISSION

A. Mission Responsibilities. The U.S. Mission will do the following with respect to Mission personnel located at USFOR-A facilities:

1. Inform individual USG agencies with personnel located at the USFOR-A-operated facilities that the agencies are responsible for furnishing all IT, (*e.g.*, computers, printers, radios, dishes, mobile phones, commercial internet, networks, and televisions and telephone networks) as necessary for their agency personnel to be fully functional and provide for the maintenance and functionality of their IT/Communication and office equipment.

2. Inform individual USG agencies with personnel located at the USFOR-A-operated facilities that the agencies are responsible for providing their personnel with commercial internet, television, and telephone service (land line and mobile), as needed.

3. Direct Mission personnel to adhere to all policies, directions, and Standard Operating Procedures (SOPs) regarding proper licensing of vehicles, badge procedures, and base access for USG employees, including Locally Engaged Staff (LES). The Mission will maintain and update its knowledge regarding such policies, directions and SOPs.

4. Ensure that only Mission personnel with appropriate security clearance levels are provided the cipher lock combination for the SCCs or other USFOR-A facilities' SIPR and Mission Secret office space and ensure that CIPHER codes are periodically changed. Designated Mission personnel at each USFOR-A-operated facility will create and maintain written logs or records relating to access to CIPHER codes and changing of codes and rooms containing SIPR and Mission Secret network systems.

5. Inform individual USG agencies that they are responsible for providing vehicles and drivers for transportation on the SCC or other USFOR-A-operated facilities, as necessary. Individual USG agencies will provide for the maintenance of such vehicles for this purpose. All maintenance support provided by the USFOR-A for equipment or vehicles for individual USG agency personnel located at USFOR-A-operated facilities will be reimbursed by the individual agency to the USFOR-A pursuant to an Individual Support Agreement.

6. Direct Mission personnel to adhere to U.S. Base Ops Commander's Standards and Tenant's Policy.

7. Inform individual USG agencies that they are responsible for providing all personal protective equipment including body armor for their personnel, as necessary. Any body armor or personal protective equipment provided by USFOR-A for Mission personnel will be on a reimbursable basis.

8. Direct Mission personnel to coordinate with Base Operations Commanders regarding the base access of any Locally Engaged Staff (LES) or Third Country Nationals (TCNs) working for the Mission.

9. Clear LES and TCNs to be located at USFOR-A operated facilities. LES are not authorized to reside in living quarters or receive logistical support listed in this MOA, unless otherwise specified in the appropriate Annex, except for access to emergency medical treatment, office space and dining facilities. LES and TCNs cleared by the RSO, Embassy Kabul, will be issued appropriate access badges to permit them access to the USFOR-A operated facility by USFOR-A or the base commander.

B. Reimbursement. Each USG agency with personnel located at a USFOR-A-operated facility will enter into an Individual Support Agreement with USFOR-A for support to be provided in accordance with this MOA and its Annexes, subject to the availability of funds. Reimbursement to USFOR-A by the individual agencies will be accomplished with a Reimbursement Agreement

and/or a MIPR between each agency and USFOR-A, on a quarterly basis, and will be subject to any terms and conditions provided in the Individual Support Agreements. In no case will the U.S. Mission or ICASS be responsible for costs associated with support provided in accordance with this MOA and its Annexes.

IX. DISPUTE RESOLUTION PROCESS

Issues regarding Life Support for Mission personnel should be resolved between the Base Operations Commander and the USG Senior Civilian Representative. When the Base Operations Commander and the USG Senior Civilian Representative cannot resolve Life Support issues, the issue will be raised up through the chain of command for USFOR-A and, for civilian agencies, the Coordinator for Interagency Provincial Affairs. The final arbiters of all disagreements within Afghanistan are the COM for civilian agencies and the Commander USFOR-A.

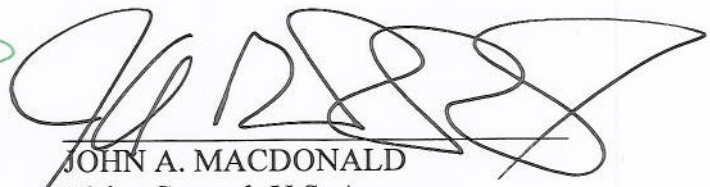
X. SUPPORT LEVELS AND FUNDING FOR MISSION PERSONNEL NOT COLLOCATED WITH U.S. MILITARY UNITS

- a) USFOR-A will not provide operational and Life Support for Mission personnel at facilities not collocated with U.S. military units, unless arrangements are made for USFOR-A to provide such support on a reimbursable basis.
- b) The Parties anticipate that individual USG agencies may provide support for their Mission personnel not collocated with U.S. military units.

XI. EFFECTIVE DATE, MODIFICATION AND TERMINATION

This MOA will become effective on the date of the last Party's signature. This MOA will remain in effect unless revoked by either party upon a ninety-day written notice to the other Party. This MOA may be modified by mutual written consent of the Parties. Any notice under the terms of this MOA, including either Party's notice of its intent to terminate the MOA, will be in writing signed by a duly authorized representative of the Party giving such notice and provided to the other Party. USFOR-A and the Mission will review this MOA periodically for currency and applicability.


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Afghanistan

13 August 09
Date

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